

HOWREY

750 BERING DRIVE
HOUSTON, TX 77057-2198
PHONE: 713.787.1400 • FAX: 713.787.1440

RECEIVED
CENTRAL FAX CENTER

AUG 22 2005

FACSIMILE COVER SHEET

DATE: August 22, 2005

TO: NAME: MAIL STOP AMENDMENT

COMPANY: UNITED STATES PATENT & TRADEMARK OFFICE

FAX NUMBER: 571.273.8300 PHONE NUMBER: _____

CITY: ALEXANDRIA, VA

FROM: NAME: GREGG A. DUFFEY, REG. NO. 42,501

DIRECT DIAL NUMBER: 713.787.1478 USER ID: 6020

NUMBER OF PAGES, INCLUDING COVER: 5 CHARGE NUMBER: 10286.0292.CPUS04

☐ ORIGINAL WILL FOLLOW VIA:

☐ REGULAR MAIL ☐ OVERNIGHT DELIVERY ☐ HAND DELIVERY ☐ OTHER: _____

☒ ORIGINAL WILL NOT FOLLOW

SUPPLEMENTAL MESSAGE:

SERIAL NO. 10/658,979

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

IF THERE ARE ANY QUESTIONS OR PROBLEMS WITH THE TRANSMISSION OF THIS FACSIMILE, PLEASE CALL 713.787.1588.

DM_US18243915.V1

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent & Trademark Office at 571.273.8300 on the date below.

August 22, 2005

Date

Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

GABRIEL SLUP
DOUGLAS J. LEHR
HUBERT F. GARRISON, III
TOMMY J. ALLEN
BLAKE ROBIN COX
DONALD WAYNE DEEL
SAMUEL MARK ZIMMERMAN

Group Art Unit: 3672

Examiner: THOMPSON, Kenneth L.

Atty. Dkt. No.: 10286.0292.CPUS04

**RECEIVED
CENTRAL FAX CENTER**

AUG 22 2005

Serial No.: 10/658,979

Filed: SEPTEMBER 10, 2003

For: DRILLABLE BRIDGE PLUG

Client Ref: P300-1120D-US

[Formerly P303-1328-US & P302-1234-US]

AUGUST 22, 2005 RESPONSE TO RESTRICTION REQUIREMENT

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

This paper is submitted in response to the Restriction Requirement dated July 21, 2005 for which the date for response is August 22, 2005 (August 21 being a Sunday). It is believed that no fee is due with the filing of this Response; however, should any fees be required for any reason, the Commissioner is authorized to deduct said fees from Howrey LLP Deposit Account No. 01-2508, referencing client/matter code 10286.0292.CPUS04.

Reconsideration of the requirement for restriction is respectfully requested. The Examiner's comments from the Office Action are reprinted below in 10-point bold type and are followed by Assignee's remarks.

A. Restriction Requirement

According to the Restriction Requirement:

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I	Figures 1-17
Species II	Figure 18
Species III	Figure 19
Species IV	Figure 20
Species V	Figures 21A-21D
Species VI	Figure 22
Species VII	Figures 23 and 24
Species VIII	Figure 25
Species IX	Figure 26
Species X	Figure 27
Species XI	Figures 28-30
Species XII	Figures 31-34
Species XIII	Figures 35A-37B

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Claims 1-49 are pending the application and the pending claims have been subjected to a restriction requirement. The Restriction Requirement indicates that the application contains claims

directed to thirteen distinct species (Species I – XIII). The Examiner indicates that the Assignee is required under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits, to which the claims shall be restricted if no generic claim is finally held to be allowable.

B. Election

In an effort to move this case along, and in response to the restriction requirement, which the Examiner imposed, Assignee elects -- with traverse -- to prosecute the claims of Species XI (corresponding to Figures 28-30). Claims 1-44 read on Species XI. This election is made with traverse. Claim 1 is generic with respect to Species XI-XIII (as discussed below). Upon allowance of one or more generic claims, Assignee will be entitled to consideration of claims to additional species written in dependent form.

C. Traverse

Assignee respectfully traverses the restriction requirement for the following reasons. Species I-X (Figures 1-27) are directed to embodiments previously presented, searched, and examined with respect to parent applications 10/146,467, 09/844,512, and/or 09/608,052 (i.e. the present application is a continuation-in-part of 10/146,467, which is a continuation-in-part of 09/844,512, which is a continuation-in-part of 09/608,052). See Original specification at 1. Further, the adapter kits of the embodiments of Figures 25-27 were prosecuted, searched, and examined in a related application serial no. 10/146,491. Thus, any related features in the present application have already been searched during previous examination.

The remaining Species XI-XIII should be examined in the same application. Assignee respectfully submits that Species XI (claims 1-44) and Species XII and XIII (claims 45-49) should be examined in the same application because there is no indication that examination of the claims drawn to the Species XI and Species XII and XIII would require separate classification, separate

status in the art, even though classified together, or would require a separate field of search. Accordingly, Assignee respectfully requests the Examiner to withdraw the restriction requirement as between Species XI and Species XII and XIII.

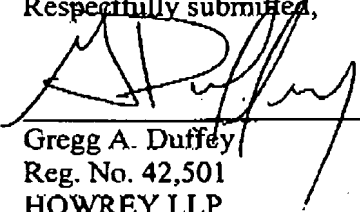
D. Conclusion

The Examiner is invited to contact the undersigned attorney at 713.787.1478 with any questions, comments or suggestions relating to the referenced patent application.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,

Date: August 22, 2005



Gregg A. Duffey
Reg. No. 42,501
HOWREY LLP
1111 Louisiana, 25th Floor
Houston, Texas 77002-5242
Tel. 713.787.1478
Fax 713.787.1440

Attorney for Assignee
BJ SERVICES COMPANY